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May 5, 2016

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VIA U.S. MAIL

Nicoletta Di Forte
Deputy Director for Enforcement
Emergency and Remedial Response Division
United States Environmental Protection Agency
290 Broadway
New York, New York 10007-1866

Re: Letter Dated March 31, 2016 Regarding Lower Passaic River Liability and
Commencement of Remedial Design Negotiations

Dear Ms. Di Forte:

This letter is in response to the correspondence sent from the Environmental Protection Agency ("EPA") on March 31, 2016, to DII Industries, LLC ("DII") regarding the Diamond Alkali Superfund Site, Notice of Potential Liability and Commencement of Negotiations for Remedial Design. We thank you for the notice that remedial design negotiations will commence shortly with Occidental Chemical Corporation, and for the information that some parties may be eligible for a cash out settlement with EPA for the Lower Passaic River. DII is interested in learning more about, and potentially participating in, a cash out settlement process to resolve liability for the Lower Passaic River, and respectfully requests that EPA include it on any future correspondence regarding such settlement process.

This request to receive correspondence from EPA regarding a cash out settlement process, and expression of interest in a cash out settlement process, is subject to DII's full reservation of its rights to contest liability under CERCLA and all other available defenses.

We look forward to working with EPA to resolve this matter.

BAKER BOTTS LLP

Nicoletta Di Forte

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May 5, 2016

Sincerely,
BAKER BOTTS L.L.P.



Joshua Frank
Counsel for DII Industries, LLC

JF

cc: Juan Fajardo (by email)
Sarah Flanagan (by email)
Rebecca Moring (by email)